UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

JULIE GARZA, SARAH TRAINUM,	§	
and JUDITH ROGERS,	§	
Plaintiffs	§	
	§	
vs.	§	Civil Action No.5-15-cv-0053-OLG
	§	
REBECCA BOLIN, individually and	§	
in her official capacity as	§	JURY DEMANDED
Kerr County Clerk, DAWN LANTZ, and	§	
KERR COUNTY, TEXAS,	§	
Defendants	§	

JOINT MOTION TO BE EXCUSED FROM MEDIATION

Plaintiffs Julie Garza, Judith Rogers, and Sarah Trainum (Plaintiffs) and Defendants Rebecca Bolin, individually and in her official capacity as Kerr County Clerk and Kerr County, Texas (Defendants) file this joint motion to be excused from mediation. The Court's Amended Agreed Amended Scheduling Order, ¶7, (Docket #25), states the parties shall mediate on or before February 15, 2016, "unless the parties seek an order from the Court excusing them from mediation."

I. ARGUMENT

- 1. The parties have engaged in written discovery and are currently engaged in the scheduling of the depositions of plaintiffs. The deposition of Defendant Rebecca Bolin is set for February 12, 2016. In accordance with this Court's scheduling order (Docket #10), Plaintiffs made a written offer of settlement on July 24, 2015. Defense counsel informed Plaintiffs that the offer was rejected and Defendants have not made a counter-offer to date.
- 2. On January 29, 2016, Defendants filed their motion for summary judgment (Docket #36). Plaintiffs anticipate filing their response to the motion for

summary judgment by the deadline of February 12, 2016. Counsel for the parties have discussed that in their professional opinion, mediation at this time would not be appropriate or fruitful.

II. PRAYER FOR RELIEF

The parties jointly request that the Court excuse them from mediating this case by February 15, 2016. The parties agree that the excusal from mediation in no way affects the pretrial conference set on May 18, 2016, or the jury selection and trial set on May 23, 2016.

Respectfully submitted,

/s/ Zachary H. Bowman

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of February 2016, I electronically filed the foregoing Joint Motion to Be Excused from Mediation with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Method of Service	Party(ies)	Counsel
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